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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

IRSHADULLAH, M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/122,293

Applicant(s)

SAKAYORI ET AL.

Examiner

M. Irshadullah

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2003 and 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 05, 2003 has been entered.

2. This communication is in response to correspondence filed November 07, 2003 and December 05, 2003.

Summary Of Instant Office Action

3. Applicant's arguments regarding claims 1, 2, 4-12, 21-25 and 29 rejected under 35 U.S.C. 102, and claims 3 and 13-17 rejected under 35 U.S.C. 103, Paper No. 29, Office Action mailed September 09, 2003 have been fully considered and are responded below.

4. Pursuant to Applicant's request claims 9-10, 12-20 and 22-36 have been cancelled.

5. Amendments to claims 1, 11 and 21 have been entered.

5a. It is pointed out that presently claims 1-8, 11 and 21 are pending as against the Applicant's statement "Claims 1-17, 20-25 and 28-36 are currently pending".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4-8 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Cornett et al (US Patent 5,216,612).

Cornett et al disclose:

Claim 1. (Currently Amended): A parts ordering system having a first domain (Fig. 1 {3, 9}, wherein subsystem 3 in conjunction with 9 functioning as initial or first component or domain of integrated system 1), a second domain (Fig. 1 {5 with 7, 6 with 8 and 13 in 10}, wherein combination of subsystems 5, 6, 10 together with 7, 8 and representing second component or domain of the integrated system 1) and a third domain (Col. 15, lines 52-56, wherein "order releasing to the supplier" and "vendor's required lead time to ship the part" implicitly infer the existence of and communication with a supplier or vendor, and which is indicating the availability of a third component or domain of the system 1) connected in a tree structure (Col. 16, lines 1-12, wherein reference's "hierarchical" function would facilitate reference network system's configuring in hierarchical

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or tree model or structure), each domain being a unit of processing in a computer system corresponding to a working unit on a production line (**Fig. 1 clearly shows that each cited component or domain is a claimed “unit of processing in system 1 and the whole system 1 is an integrated system including manufacturing system 10- col. 8, lines 6-10**), wherein said second domain includes:

a) receiving means for receiving an order from the first domain (Fig. 1 {3 communicating with 6}, col. 9, lines 45-48 and 56-64, wherein “subsystem 6 generating parts order based on {or communicated by} maintenance schedule generating subsystem 3” inferring availability of order “receiving means”, such as monitor etc. as indicated by “each subsystem 3, 4, 5, 6 running on separate computer—lines 62-63”);

b) judging means for judging a kind of the order (Col. 9, lines 36-54, wherein “spare parts ordering based on an accurate list of parts-lines 46-48” inferring the provision of a “determining or judging” function, and “ordering generic or non-generic parts-lines 48-54” indicates “order relating to type or kind of parts; i.e. type or kind of order”);

c) machining planning means for devising a machining plan based upon the judged order (Col. 17, lines 40-49, “creating production plan-lines 42-43” inferring availability of production or machining planning means, and the plan would relate to above discussed determination or judgment)

d) expansion means for expanding, into each component part, a part corresponding to the order in accordance with the machining plan (Figs.10A-10D {PF13-Explode Bill” with no images}, col. 22, line 14 through col. 23, line 11, wherein

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“explode bill”, wherein “explode bill” pointing to “expansion means”, and said exploding or expansion would conform or correspond to above discussed production or machining plan or planning);

e) order planning means for devising an ordering plan for each expanded component part (Col. 31, lines 36-39, wherein “scheduling replenishment orders” inferring availability of “order scheduling planning means” which would create or devise claimed ordering plan for above discussed exploded or expanded part (s));

f) ordering means for ordering in units of individual parts in accordance with the ordering plan (Col. 15, lines 19-20 and 56-59, wherein “subsystem 6” is ordering means and “total amount to be ordered for each spare part” inferring system’s capability to order claimed individual part in requisite quantity or units); and

g) communication means for communicating, to the third domain orders in individual parts units (Col. 1, lines 44-61, wherein “communication among computers” points to system’s providing transmission or communication resource or means and employing said resource or means would cause the above discussed part orders to transmit or communicate to above discussed vendor-line 55 or third domain);

h) wherein said communication means prevents the first domain and the third domain from communicating the order to each other (Fig. 27 {224, 244}, col. 9, lines 3-4 and 21-24, wherein “suspending a deleted part from a parts list” indicating the availability of a “suspending or preventing or stopping” function, which function a user would employ for above discussed communication means to suspending or preventing

or stopping to sending or receiving or communicating above discussed order between above discussed first domain and third domain).

Claim 2. The system according to claim 1, wherein said first domain, second domain and third domain have means for issuing an order (**Col. 15, lines 52-53**), means for receiving an order (**Col. 15, lines 19-20 read with col. 33, lines 28-30, 32-34**), means for devising a machining plan based upon the order received (**Figs. 8A-8D: Production planning**), means for performing expansion into each component part (**Fig. 1 {5 with 7} and Figs. 10A-10D, PF13, wherein subsystem 5 in conjunction with 7 storing bill of material or list of parts which are exploded or expanded as depicted in Figs. 10A-10D, using the F13 key**), in accordance with the machining plan (**It would follow earlier discussed machining plan or planning in 1c) above**), means for devising an ordering plan for a part that has been expanded into its component parts (**Fig. 7A {42-44}, col. 18, lines 21-26 and col. 25, line 26, wherein Fig. 7A, step 42 indicating reading records from regularly scheduled (RS) maintenance, retrieving requisite information and generating a plan "a planned maintenance plan is created, col. 18, line 24, and maintenance planning including requisite parts which are in col. 25, line 26 database. Parts relating to above discussed exploded or expanded ones**), means for ordering a part expanded into individual parts units based upon the ordering plan (**As above in 1f) above, a user would use said ordering means for ordering above discussed exploded or expanded parts**), means for reading data from a database in accordance with the order for the part (**Fig.**

7A {42}), and means for writing the read data to the database (Col. 21, line 39 recited with col. 25, line 26);

wherein a plurality of connections are made possible on a network in a tree structure (Col. 9, lines 61-62, col. 1, lines 50-51, 57-61, col. 9, lines 13-14, wherein a user would use reference's hierarchical structure for claimed purpose and Fig. 1 depicting system's networking connectivity or structure).

Claim 4. The system according to claim 2, wherein said means for devising a machining plan has means for comparing a designated delivery date of a received order and planned production date retained in a database, and means for scheduling an expected production date based upon results of the comparison (Fig. 6 {29, 37, described col. 16, line 65 and col. 17, lines 26-28, and col. 15, lines 54-56, wherein Fig. 6 depicting "matching and comparing" functions, citation of "vendor's required lead time to ship or deliver parts" indicating reference's capability of handling "delivery times or date" and a user would employ reference's matching and comparing functions for claimed purpose).

Claim 5. The system according to claim 2, wherein said means for performing expansion into each component part includes:

means for performing expansion in units of individual parts for constructing a manufactured product based upon a received order (Figs, 10A-10D, PF13); and

means for calculating an amount of parts (Fig. 30 {262}, col. 31, lines 24-25, wherein a user would use reference's calculating means for claimed purpose).

Claim 6. The system according to claim 2, wherein said means for devising an ordering plan has means for comparing an amount of parts contained in inventory and an amount of parts required (**As in applicant's claim 4 above**), and means for calculating minimum units of an order (**Fig. 30 {262}, col. 31, lines 24-25, wherein a user would use reference's calculating means for claimed purpose**) based upon results of the comparison (**It would relate to above discussed results of comparing**).

Claim 7. The system according to claim 1, wherein said first domain, which corresponds to an ordering starting point, has means for issuing an order in accordance with an order input (**Fig. 1 {3}, being a computer, 3 has to have the claimed feature**), and said third domain, which corresponds to an ordering end point, has means for receiving an order in response to the issuance of the order (**Fig. 1 {6, 8}, being a computer, 6 has to have an order receiving means, such as monitor, memory etc.**).

Claim 8. The system according to claim 1, wherein said first, second and third domains are connected in a tree structure, and an order for each component part processed by said first domain is communicated to the third domain without processing being duplicated by the expansion means of said second domain (Fig. 1 {3, 5, 6}). It

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needs be mentioned that user sends the order to 3 which would communicate/transmit it to 6 directly).

Claim 11. The system according to claim 1, further comprising:

stopping means for comparing the amount of specific parts contained in inventory stored in the database and a required amount of specific parts obtained by expansion means, and stopping the communication of an order to the third domain in a case where the amount of specific parts contained in inventory is greater by a prescribed amount than the required amount of specific parts (Fig. 27 {224, 244}, col. 29, lines 3-4 and 21-24, wherein "suspending a deleted part from a parts list" indeed inferring to preventing or stopping the deleted part to be included in the parts list as indicated by "the old items on the parts list coded (DEL) is removed from the parts list-lines 9-10. Similarly, "suspending a request" clearly pointing to preventing or stopping a request from being fulfilled, "The request" is recited in lines 53-55: "The changes to automated parts model are performed when parts are issued to maintenance request". Said "suspending" function would function for preventing or stopping transmission or communication of an order to above discussed vender or third domain when necessitated by some circumstances including the claimed one).

Claim 21. A parts ordering method whereby a first domain, a second domain and a third domain connected in a tree structure, each domain being a unit of

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processing in a computer system corresponding to a working unit on a production line, deliver and receive orders, comprising:

a) a receiving step at which the second domain receives an order from the first domain (See discussion of applicant's claim 1a) above);

b) a judging step at which the second domain judges a kind of the order (See discussion of applicant's claim 1b) above);

c) a machining planning step at which the second domain devises a machining plan based upon the judged order (See discussion of applicant's claim 1c) above);

d) an expanding step at which the second domain expands, into each component part, a part corresponding to the order in accordance with the machining plan (See discussion of applicant's claim 1d) above);

e) a order planning step at which the second domain devises an ordering plan for each expanded component part (See discussion of applicant's claim 1e) above);

f) an ordering step at which the second domain orders in units of individual parts in accordance with the ordering plan (See discussion of applicant's claim 1f) above);
and

g) a communication step at which the second domain communicates, to the third domain, orders in individual parts units (See discussion of applicant's claim 1g) above);

h) wherein said communication means prevents the first domain and the third domain from communicating the order to each other (See discussion of Applicant's claim 1h) above).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cornett et al (US Patent 5,216,612) in view of Wagner (US Patent 4,980,826).

In the following claim:

Claim 3. The system according to claim 2, wherein said means for receiving an order has means for making a comparison with data, which has been retained in a database to determine whether an order is a new order, a modified order or retransmission of the same order.

Cornett et al teach:

means for making a comparison with data, which has been retained in a database (Col. 13, lines 30-34 {specifically lines 31, 33}, Fig. 6 {29, 37}, col. 16, line 65, wherein cited "comparing" of data in "master production schedule file" pointing to "comparison means" and "data contained or retained in a database")),

Cornett et al do not teach:

to determine whether an order is a new order, a modified order or retransmission of the same order.

However, Wagner teaches the same (Col. 14, lines 15-17). While Cornett et al provide an integrated system for maintenance including ordering parts, Wagner teaches a

system for futures trading or ordering including means for determining if the order is new, an inquiry or retransmission. The combination would entail a comprehensive system having programs and instructions that system users would easily assimilate and employ.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Wagner's feature in Cornett et al's invention, because it would facilitate to advantageously use the prevalent procedure or function, thereby resulting into a system with expanded functionality and extended utility.

Response to Arguments

10. Applicant's arguments filed 11/07/2003 and entered on 12/05/2003 have been fully considered but they are not persuasive.

In the Remarks, Applicant argues that:

a) Cornett et al and Wagner individually or in combination do not teach: "a communication means preventing the communication of order between first domain and third domain.

In this regard, Applicant is directed to Cornett et al's col. 1, lines 44-61, wherein "communication among computers" clearly points to system's providing transmission or communication resource or means and employing said resource or means would cause the above discussed part orders to transmit or communicate to supplier or vendor, col. 15, line 52-56, wherein cited "supplier" and "vendor" representing third domain.

Furthermore, Applicant is referred to Cornett et al's in Fig. 27 {224, 244}, col. 9, lines 3-4 and 21-24, wherein "suspending a deleted part from a parts list" indicating the availability of a "suspending or preventing or stopping" function, which function a user would employ for above discussed communication means to suspending or preventing or stopping of "sending or receiving or communicating" above discussed order between first domain (Fig. 1 {3, 9}) and above discussed third domain and vice versa.

b) Wagner does not teach: Communication means preventing communication between subsystems such as the first domain and third domain.

Regarding this Applicant is reminded of the following Case Law:

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Thus, in the light of above mentioned facts, it is stated that Applicant's arguments have been fully considered, deemed unpersuasive and prior rejections are maintained.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is 703-308-6683. The examiner can normally be reached on 10:00 a.m. to 6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 and for after Final 703-872-9327.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Irshadullah
February 26, 2004



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